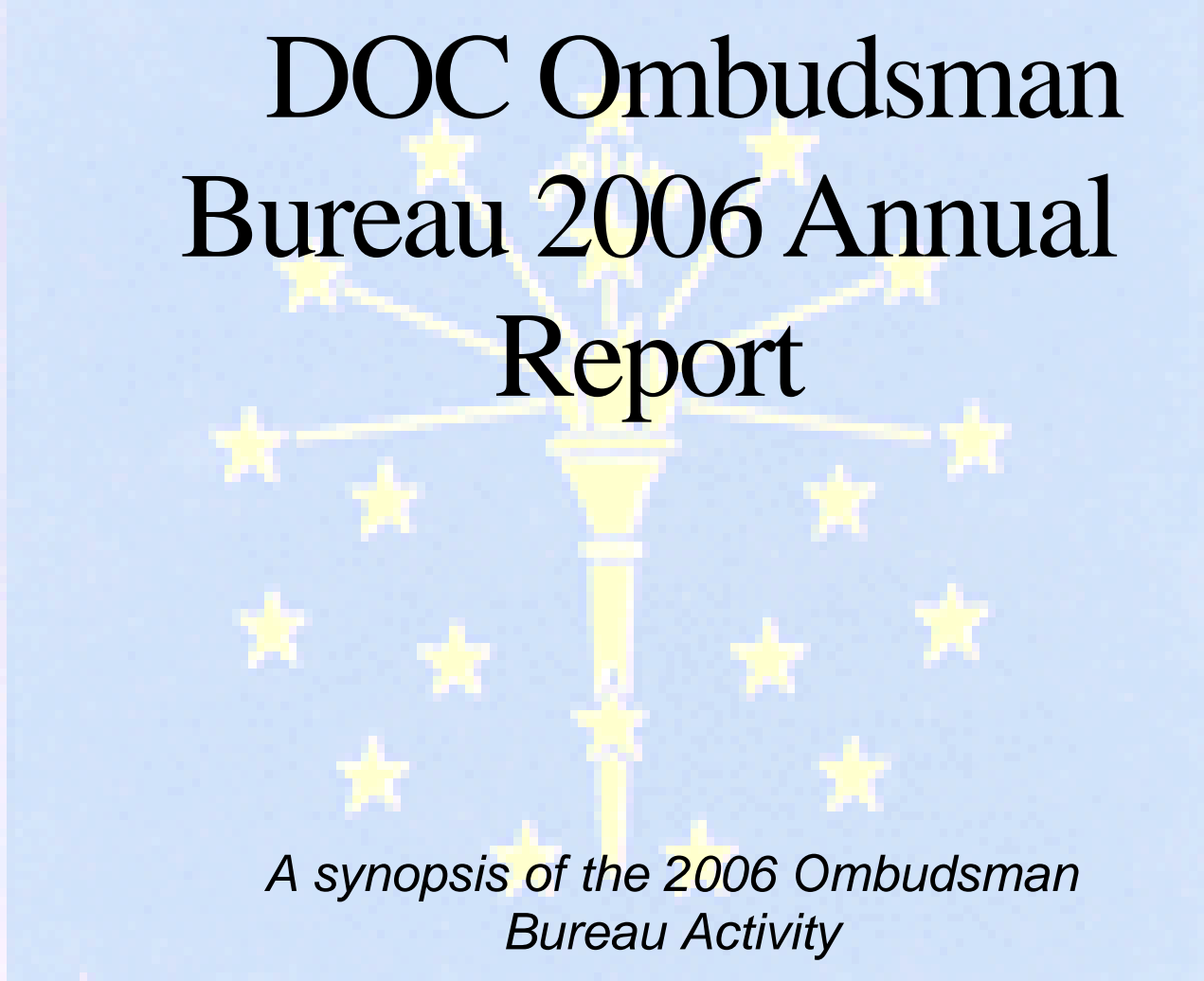


# Indiana DOC Ombudsman Bureau

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402 W. Washington Room W479  
Indianapolis IN 46204

The background of the report cover is the Indiana state flag, which features a blue field with a white torch in the center. The torch has a flame at the top and a base. Surrounding the torch are thirteen white stars, arranged in a circular pattern around the torch's handle and flame.

## DOC Ombudsman Bureau 2006 Annual Report

*A synopsis of the 2006 Ombudsman  
Bureau Activity*

January 31, 2007

The Honorable Governor Mitch Daniels  
Speaker of the House Pat Bauer  
IDOA Commissioner Carrie Henderson  
DOC Commissioner Dave Donahue

Dear Mr. Speaker, Governor, and Commissioners:

I, hereby, in accordance with IC 4-13-1.2-10, submit the Ombudsman Bureau's Annual Report for the period of January 1, 2006 to December 31, 2006.

Yours Truly,

A handwritten signature in cursive script, reading "Charlene Burkett".

Charlene Burkett  
Director DOC Ombudsman Bureau

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## DOC OMBUDSMAN BUREAU 2006 ANNUAL REPORT

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## **Ombudsman's Message**

This year has been rich in accomplishment at the Department of Correction ("DOC") Ombudsman Bureau. Resolving and investigating complaints requires constant vigilance, as does keeping the DOC Staff and offenders aware of the Bureau. The operations of the Bureau reflect this vigilance in that the Bureau has met or exceeded all of its goals in 2006. This is further reflected in the continual operational improvements made in the Bureau as well as the fact that, on average, the Bureau closed over 80 percent of its complaints in ten (10) days or less. Perhaps the most significant accomplishment of the year, however, is the many cases in which offenders were in need of aid and for which the Bureau was able to assist the offenders in receiving that aid. The Bureau's involvement in these issues ensured that the matters were resolved as soon as possible.



Many times offenders filed a complaint with the Bureau and, through the ensuing investigation, the DOC was found to have been in violation of its own policies or procedures. These are the times when the Bureau proves its purpose.

The Bureau has strived to make continuous operational improvements, actively assessing our own actions and procedures. The Bureau has no room for complacency in its operations. Director Burkett strives to implement a "Who Moved My Cheese" type of atmosphere in the Bureau: Director Burkett and Executive Assistant Watkins both continually identify operational improvements and then work together to implement the changes. If something is recognized as needing improvement Director Burkett and Justin work to improve it. The environment of the Bureau is collaborative in that

Director Burkett is open to any suggestions that could make the Bureau run more effectively.

As this year ends, the Bureau's progress should be noted. Undoubtedly, this progress will lead to a better operating Bureau in the future and continue to allow Director Burkett and Justin to make further improvements in the upcoming year.

# Indiana Ombudsman Bureau

## Overview

The Indiana Ombudsman Bureau investigates and resolves complaints concerning offenders committed to the Department of Corrections. The Ombudsman Bureau ensures that the rights of offenders are protected and that the policies and procedures of the DOC are followed.

Indiana Ombudsman complaint forms are available in the law library of each DOC facility and may be downloaded from the Forms Catalog maintained by the Indiana Commission on Public Records at [www.in.gov/icpr](http://www.in.gov/icpr).

The Indiana Ombudsman Bureau serves as an independent review mechanism of the Department of Corrections and is housed in the Indiana Department of Administration. The Bureau has been in existence since the fall of 2003.

## Staff

Charlene Burkett (formerly Navarro), Director, hired May 2005

Justin Watkins, Executive Assistant, hired June 2005

## Year in Review

### Bureau Successes and Challenges

- 1. The Bureau continues to inform offenders about the Bureau and ensure that the offenders are aware that the Bureau exists.**

The Bureau had planned on accomplishing this goal by holding meetings with offenders at DOC facilities, as it had done in 2005. The Bureau, however, found a more cost efficient method of accomplishing this goal while maintaining a constant presence at the facilities. The Bureau produced a video message directed to the offender population. The video is now shown during offender orientation at each of the DOC facilities as well as at the Reception Diagnostic Center. The video was also shown to the current offender population at each DOC facility.

The Bureau also made presentations to Case Managers and Counselors at the DOC facilities. Director Burkett thought that due to the restructuring and hiring of many new people in these positions and the fact that these people have daily direct contact with the offenders that these people need to be aware of the Bureau in order to inform offenders about it. Case Managers and Counselors can now share Bureau information with the offender population when necessary.

**2. The Bureau continues to establish and strengthen relations with facility personnel to aid Bureau investigations.**

The Bureau has successfully accomplished this goal. Now, in addition to its key contact at each facility, the Bureau has established other contacts at the facilities through the course of investigations. As a result, investigations have been conducted more smoothly.

**3. The Bureau far exceeded its goal of meeting with at least two offender advocacy groups this past year.**

Director Burkett attended a CURE (Citizens United for the Rehabilitation of Errants) meeting in July. At the meeting Director Burkett established CURE contacts who agreed to forward complaints to the Bureau. Since then, the Bureau has been receiving complaints from these advocates. Director Burkett also met with the Midwest Coalition to Abolish Control Unit Prisons. This meeting was also successful: The Bureau has since responded to many inquiries from this group.

**4. The Bureau has worked to strengthen ties with county facilities by working with County Jail Inspectors in the Department of Correction.**

The County Jail Inspectors have been integral in fostering the Bureau's relationship with county facilities. The jail inspectors are already known to the county facilities, thus they are able to contact the facilities and put the Bureau in contact with the facilities.

**5. The Bureau accomplished its goal of having its forms printed in both English and Spanish.**

Both sets of forms are available online and at the facilities.

**Operational Improvements**

The most significant operational improvement achieved in 2006 was the updating of the Bureau's electronic file management system. The previous method organized files by offender name. The new method organizes the files according to subject matter. This change has significantly improved the Bureau's use of historical case information.

Director Burkett also devised Ombudsman Bureau Operational Policies and Procedures after receiving training at the United States Ombudsman Association (USOA) conference. These procedures will provide for a streamlined transition should the Bureau experience personnel changes.

Director Burkett also implemented a file accounting report. The report, run weekly, tracks the progress the Bureau has made on open files. This enables Director Burkett and Justin to ensure that progress is being made on open files and ensures that the files that are open in the database are accounted for.



## Summary of Substantiated Complaints<sup>1</sup>

Westville - Medical

**Complaint:** Offender needs treatment for knot on back of head.

**Recommendation:** Evaluation by Medical.

**DOC Action Taken:** Appointment scheduled and knot will be removed.

---

Westville Correctional Facility – Personal Property

**Complaint:** All state pay each month being taken from indigent offender.

**Recommendation:** Only half of his pay be taken to allow for him to buy essentials on commissary.

**DOC Action Taken:** Half of state pay is being taken.

---

Westville – Medical

**Complaint:** Offender having trouble being placed on special diet for diabetes.

**Recommendation:** Medical review packet to determine if special diabetic diet is necessary.

**DOC Action Taken:** Placed on special diet on 3/6/06.

---

Westville - Classification

**Complaint:** Offender complains that he is wrongly being held in Disciplinary Segregation (DS).

**Recommendation:** Review classification status.

**DOC Action:** Offender was moved back into general population and credited for 30 days that he wrongly spent in DS.

---

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<sup>1</sup> The summary of substantiated complaints provides a sampling of the substantiated complaints for the year 2006. For an exhaustive list, please contact the Ombudsman Bureau.

Miami Correctional Facility – Medical

**Complaint:** Offender was not approved for dentures because of the 1 ½ year rule.

**Recommendation:** Offender receive dentures because even though he has been without dentures for over a year and a half, he had spent this time in a county jail where dentures were not available.

**Action:** The offender will be provided with dentures per Jose Lopez, Vice President American Dental.

---

Miami Correctional Facility – Medical

**Complaint:** Father is concerned that son has mental problems that are not being treated.

**Recommendation:** Review medical packet and determine if treatment is necessary.

**DOC Action:** A mental health evaluation will be performed and treatment will follow based upon the evaluation.

---

Miami Correctional Facility – Medical (Level 1)

**Complaint:** Offender is paraplegic and claims that he cannot participate in programs because the programs all take place upstairs. Offender has no access to upper level.

**Recommendation:** Determine if complaint is true and if so, take action as appropriate.

**DOC Action:** Facility will initiate a transfer.

---

Miami Correctional Facility - Food

**Complaint:** Reports of a razor blade being found in the food of a sex offender and urine in his juice.

**Recommendation:** Facility should investigate situation and take appropriate action.

**Action:** Facility was already aware of the situation and attempting to track offender/offenders that were involved in the incident. Juice now being served in packets. If further reports, facility will take further action and not have offenders from the other side of the facility serve the sex offenders.

---

|  
Miami Correctional Facility – Disciplinary

**Complaint:** Only 1 person on DHB reviewed tape of incident.

**Recommendation:** DHB hearing be re-held.

| **DOC Action Taken:** Hearing re-held.

---

|  
Miami Correctional Facility – Personal Property

**Complaint:** Custody took an offender's pair of (personal) glasses upon intake to Miami Correctional. He was told he would get them back but he never did. He has filed a tort claim and grievances but hasn't heard anything.

**Recommendation:** Let offender describe glasses. If he accurately described a pair that healthcare has, then let him have his glasses.

**DOC Action:** Healthcare believes that they have offender's glasses and allowed offender to describe glasses. If he accurately described a pair of glasses they have, he will receive his glasses.

---

Miami Correctional Facility - Classification

**Complaint:** Offender is owed 96 days. Has amended abstract from court, but is having trouble getting issue resolved at the facility.

**Recommendation:** Review amended abstract and award time as deemed appropriate.

**DOC Action:** The sentencing court is forwarding the amended abstract to the facility for processing.

---

|  
Miami Correctional Facility - Classification

**Complaint:** Offender complains that he is being wrongly held in Disciplinary Segregation (DS).

**Recommendation:** Review classification status.

**DOC Action:** Was supposed to be on Administrative Segregation ("AS") pending Sex Offender Monitoring and Management ("SOMM") review, but was put on Disciplinary Segregation ("DS") side. He was moved immediately.

---

Plainfield Correctional Facility - Classification

**Complaint:** Offender came to facility on medical idle status. He wasn't given any medical idle pay until he was moved to IHU in May of 2006. He feels he should receive back pay from the time he arrived and was on medical idle status.

**Recommendation:** Review offender's pay and status and provide reimbursement if necessary.

**DOC Action:** Offender is owed \$14.30 and will be credited the amount.

---

Plainfield Correctional Facility – Classification

**Complaint:** Offender wants to know why he is classified as a sex offender.

**Recommendation:** Reviewed status and packet with classification.

**DOC Action:** Flag was removed per facility classification.

---

Wabash Valley Correctional Facility – Medical

**Complaint:** Offender states that he is having a problem receiving consistent medication and medical treatment.

**Recommendation:** Review packet information and ensure he is receiving medication.

**DOC Action:** Offender is now receiving medication. There was a delay in receiving it, but it is corrected now.

---

IMWRC – Medical

**Complaint:** Offender is nearing release date and is having trouble getting dental care – submitted initial request in March and through no fault of his own still has not been seen.

**Recommendation:** Offender received dental treatment before being released.

**DOC Action:** Arranged for offender to be seen per Supt. Hendrix.

---

ISP - Classification

**Complaint:** Offender believes that he erroneously has a Visiting with Minors Restriction (“VMR”).

**Recommendation:** Review packet to determine if restriction is proper.

**DOC Action:** Facility reviewed restriction and removed it per Supt. Buss.

---

New Castle Correctional Facility– General Conditions

**Complaint:** Offender claims he is having difficulties with some of the conditions and policies in Protective Custody (“PC”).

**Recommendation:** Review treatment and provide the required amenities.

| **Action:** Toe nail clippers issued; officers admonished as to new visitation policies.

---

Branchville Correctional Facility – Medical

**Complaint:** Offender claims that he is having problems with his shoes due to the sensitive nature of his feet due to his diabetes.

**Recommendation:** Medical review condition.

**Action:** Met with offender and will be considered for special shoes.

---

| Pendleton Correctional Facility – Clothing

**Complaint:** Facility is having clothing problem. No cold weather gear has been provided to offenders.

**Recommendation:** Determine if cold weather gear needs to be ordered and, if so, why it was not ordered previously.

| **DOC Action:** Per Keith Butts 1/2/07: New facility clothing person hired.

---

## Putnamville Correctional Facility - Classification

**Complaint:** Offender was transferred from Miami to Putnamville. He had previously filed a lawsuit in which Al Parke was the Defendant. Has been held in AS since he arrived at facility and isn't sure why. Has been moved 7 times in a month.

**Recommendation:** Transfer to another facility.

**DOC Action:** Was transferred the week of 9/4/06, per Randy Short.

## Looking Into the Future

The Ombudsman Bureau has set the following goals for 2007:

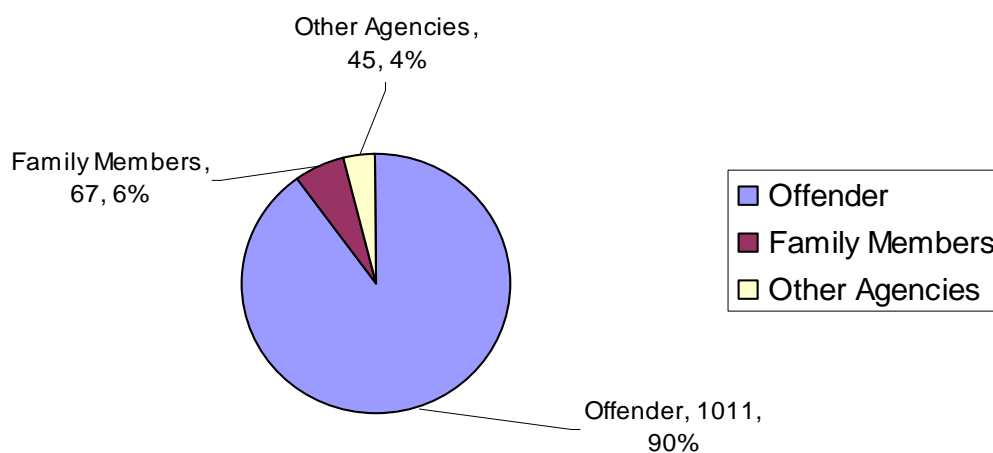
1. Work with the Department of Correction to obtain a list of resources to provide to offenders upon re-entry.
2. Foster communication with County Sheriffs and Judges to inform such offices of functions of the Bureau.
3. Generate monthly reports by the 10<sup>th</sup> of each month and send reports to DOC and IDOA Commissioners, Superintendents, and Representative Vernon Smith.
4. Continue to strengthen relationship with outside interest groups through communication on a bi-annual basis.
5. Continue to build relationship with offenders and staff by having at least 1 meeting at each facility.

## Appendix 1: Statistical Overview of Complaints and Trends

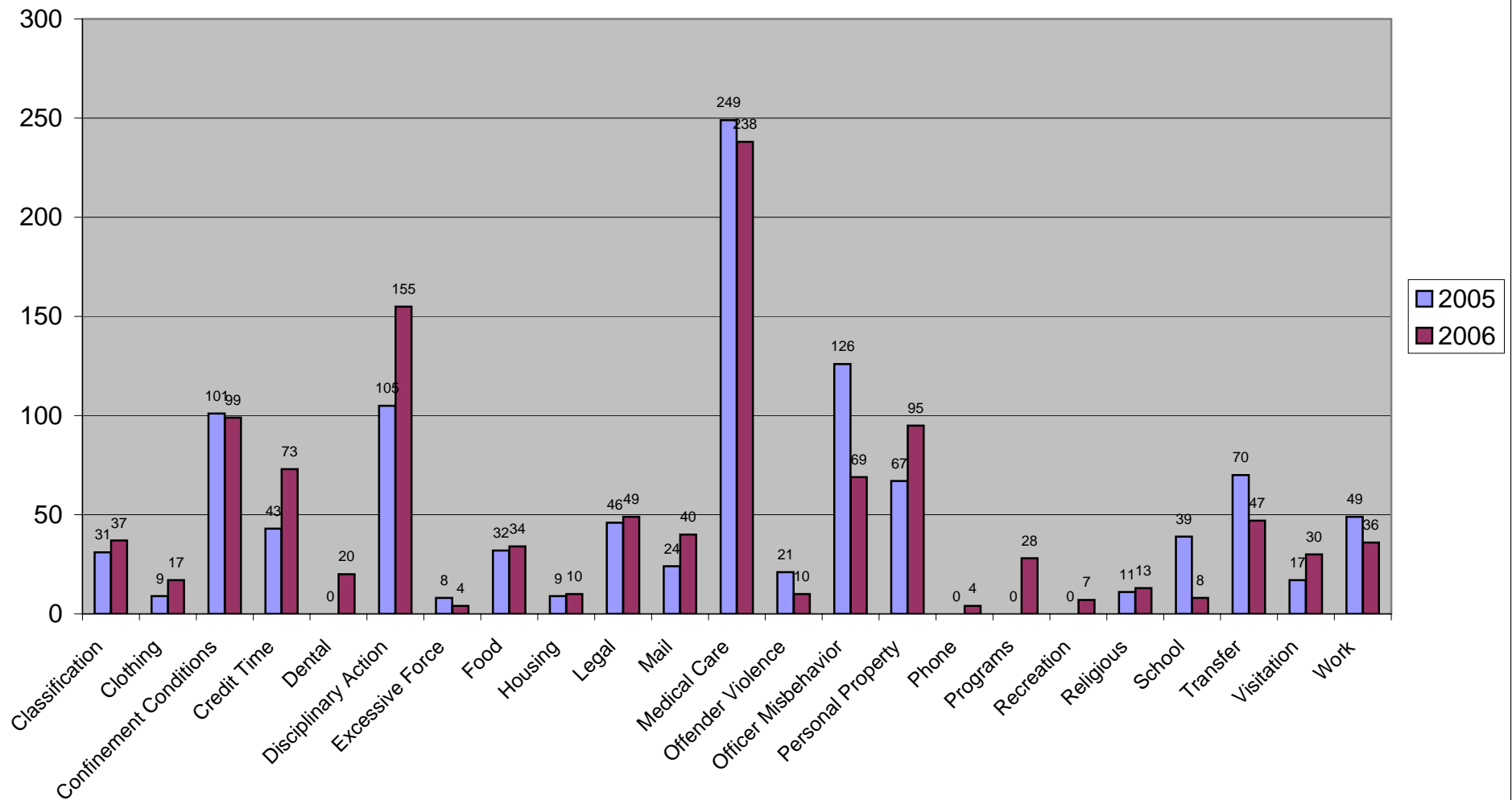
During 2006 the Bureau received 1123 complaints (1121 from adult facilities and 2 from juvenile facilities), which is an increase of approximately a 6% compared to 2005. Of those 1123 complaints, 681 (61%) were investigated by the Bureau and 112 complaints (10%) were substantiated. The complaints were received by the Bureau in the following ways: 90% from the offender, 6% from family members, and 4% from state agencies (Governor's Office, Attorney General's Office, and Legislator Offices).

In terms of case activity, the Bureau closed 1110 cases, reducing its outstanding caseload from 32 open cases at the beginning of 2006 to 22 open cases at the end of the year. The following charts offer an overview of who sent the Bureau complaints; the types of complaints received and from which facilities; the number of complaints received, investigated, substantiated, and closed; and a comparison of these numbers as compared to 2005.

**How Complaints Were Received in 2006**



## Total Complaints Received by Type in 2006 compared to 2005

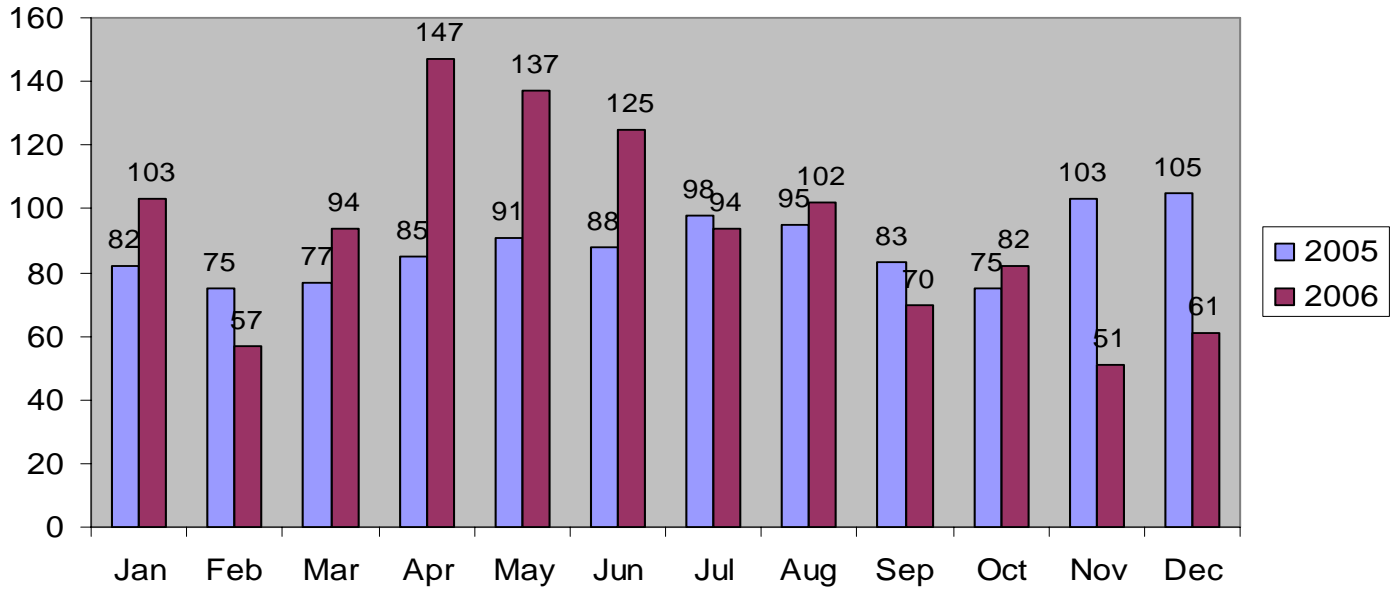




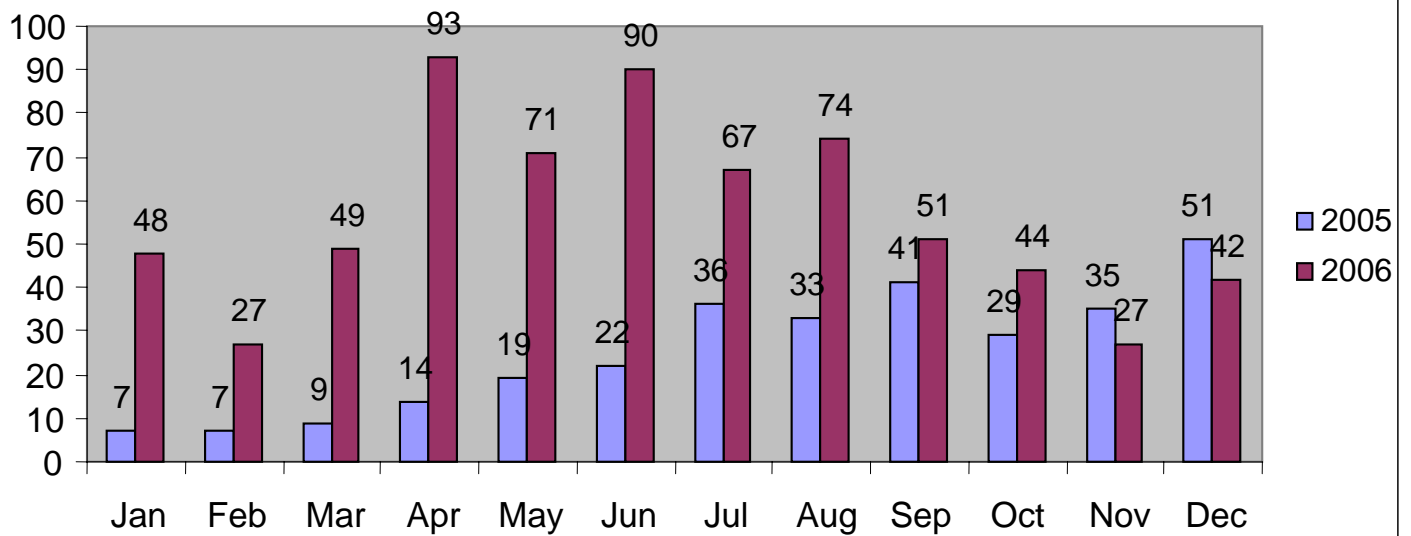
## Received, Investigated, Substantiated

2006	Received, Investigated, Substantiated																										
		BTC	CIC	COL	HCF	ECF	IMW	IGS	ISF	ISP	ISR	IWP	IYC	MCF	MCU	MYC	NCF	OTHR	PJCF	RDC	RTC	SBW	WCC	WVC			
Classification	37,26,7	1,0,0	1,1,0	1,1,0					1,0,0	6,3,0			3,3,2	11,8,3			2,1,0	1,0,0			1,0,0		7,6,2	3,3,0			
Clothing	17,13,3								1,0,0	2,1,0	3,3,1		2,2,0	4,3,1			1,1,1						3,3,0	1,1,0			
Confinement Condition	99,57,10	1,0,0	3,3,0					1,1,0	5,1,0	15,4,1	12,7,0	1,0,0	4,3,1	23,17,3			5,4,3	4,2,0		1,0,0		1,1,0	7,4,0	15,9,2			
Credit Time	73,47,3	3,0,0	5,3,1						5,4,1	1,1,0	3,3,0		6,4,0	27,18,1			2,0,0	5,3,0			2,1,0	2,1,0	9,7,0	4,3,0			
Dental	20,18,6	3,2,2					2,2,1		2,2,0					7,5,3			1,1,0						5,4,0				
Disciplinary Action	155,69,13	6,2,1	5,4,0	1,0,0	1,1,1		2,1,0		6,3,0	11,6,2	10,7,1	4,2,2	13,2,0	47,21,4	1,1,0	1,1,0	11,6,1	1,0,0		1,0,0	3,0,0	1,1,0	18,8,1	14,4,0			
Excessive Force	4,3,0		2,1,0						1,1,0					1,1,0													
Food	34,19,4								1,1,0	9,1,0	4,4,1		1,1,0	7,5,3									9,5,0	3,2,0			
Housing	10,9,2										4,4,1			4,4,1										2,1,0			
Legal	49,17,2	2,1,0	1,1,1			1,0,0			4,1,0	3,0,0	1,1,0	1,0,0	5,2,0	11,4,0			3,1,0	5,2,0		2,0,0	2,2,0	1,1,0	4,1,0	3,1,1			
Mail	40,20,2		1,0,0	1,0,0						7,3,0		1,0,0	4,1,0	11,8,0			1,1,0						9,5,1	5,2,1			
Medical Care	238,178,32	5,3,1	5,5,1						16,11,0	13,11,1	11,7,2	6,4,0	18,13,1	80,64,19			10,5,0	5,2,1	1,1,1		7,6,0		33,27,2	28,22,3			
Offender Violence	10,8,1				1,1,0					2,1,0	1,0,0			3,2,1									2,2,0	2,2,0			
Officer Misbehavior	69,54,8	2,2,0	2,1,1						9,6,2	1,0,0	3,2,0	1,0,0	7,5,0	10,9,1			3,2,0	1,1,0			3,2,2		18,15,2	9,7,0			
Personal Property	95,46,9	1,1,0	2,1,1						4,3,0	16,11,3	6,2,0		4,0,0	23,9,2	5,2,1		7,2,0	2,1,0		1,1,0			17,9,2	7,4,0			
Phone	4,2,0			1,0,0										1,1,0										2,1,0			
Programs	28,18,0								4,4,0			1,0,0	1,1,0	9,5,0							4,4,0	1,1,0	6,2,0	2,1,0			
Recreation	7,6,0									1,1,0				4,3,0										2,2,0			
Religious	13,9,1	2,1,0	1,1,0						4,3,0		1,1,1		1,0,0										3,3,0				
School	8,6,1										3,1,0			1,1,0		1,1,0		3,3,1									
Transfer	47,17,4	4,1,0	1,1,0						6,2,1	2,1,1	4,1,0		1,1,1	17,6,1			3,1,0				1,1,0		2,1,0	2,1,0			
Visitation	30,21,2		1,0,0						5,4,0	6,5,1	2,2,0		4,3,0	6,4,1			1,1,0	1,1,0					1,0,0	2,1,0			
Work	36,20,3	2,2,0					1,0,0		3,2,0	3,2,0	3,0,0		3,2,0	8,3,1			2,2,0	1,1,0			1,0,0		4,2,1	6,4,1			
Received	1123	31	30	4	2	1	5	1	77	98	71	15	76	315	6	2	52	30	1	5	24	6	158	113			
Investigated	683	15	22	2	2	0	3	1	46	52	45	6	42	200	3	2	28	12	1	1	17	5	105	73			
Substantiated	113	4	5	0	1	0	1	0	4	9	7	2	5	45	1	0	5	2	1	0	2	0	11	8			
Total	1123, 683, 113																										

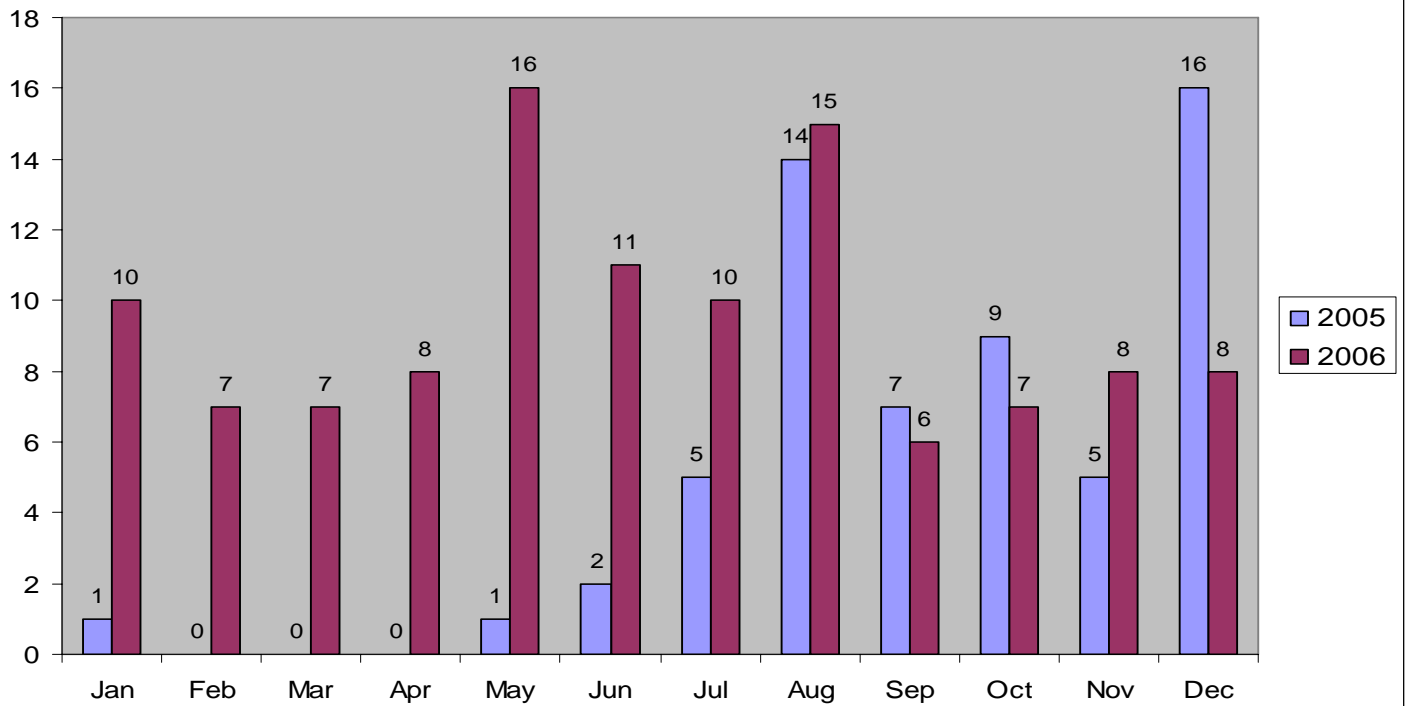
**Total Complaints Received by Month in 2006 compared to 2005**



**Total Complaints Investigated by Month in 2006 compared to 2005**



**Total Complaints Substantiated by Month in 2006 Compared to 2005**



**Total Complaints Closed by Month in 2006 compared to 2005**

